

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

NOV 19 2018

Clerk, U.S. Courts
District Of Montana
Missoula Division

UNITED STATES OF AMERICA,

CR 18-78-BLG-DLC

Plaintiff,

vs.

ORDER

TYLER DANIEL EMINETH,

Defendant.

This matter comes before the Court on the United States' motion for an amended preliminary order of forfeiture (Doc. 36). On August 1, 2018, the defendant entered a plea of guilty to the Indictment filed on June 21, 2018, and defendant conceded the forfeiture of the property set forth in the Indictment. The plea agreement entered into between the parties also provides for the United States to seize and search any cellular telephones in the defendant's possession. A review of one of those phones subsequent to the defendant's plea of guilty resulted in the discovery of child pornography consistent. The defendant's guilty plea, his concession to the forfeiture allegation, and the plea agreement entered into between the parties, provides a factual basis and cause to issue a Preliminary Order of Forfeiture, pursuant to 18 U.S.C. § 2253(a).

IT IS ORDERED:

THAT Defendant Tyler Daniel Emineth's interest in the following property is forfeited to the United States, in accordance with 18

U.S.C. § 2253(a):

- a Galaxy S6 Android cellular telephone, Model SM-G901; and
- a Samsung Galaxy S8, cellular telephone, Model SM-G950U.

THAT the United States Marshal Service, or its sub-custodian shall, prior to disposition of the assets, seize the property subject to forfeiture and further make its return to this Court as provided bylaw;

THAT the United States shall provide written notice to all third-parties asserting a legal interest in any of the above-described property and shall post on an official government internet site <http://www.forfeiture.gov> for at least 30 consecutive days as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions, of the Court's Preliminary Order and the United States' intent to dispose of the property in such manner as the Attorney General may direct, pursuant to 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(n)(1), and to make its return to this Court that such action has been completed;

THAT upon adjudication of all third-party interests, if any, the Court will enter a Final Order of Forfeiture.

DATED this 19th day of November, 2018.

A handwritten signature in cursive script, reading "Dana L. Christensen". The signature is written in black ink and is positioned above a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court